

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAITH HIRMUZ, LUAI HIRMUZ, WARDIA
HIRMUZ, and KHALIL HIRMUZ,

Plaintiffs,

v.

CYNTHIA NAZI, *et al.*,

Defendants.

Case No. 05-60293

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiffs filed a ten-count complaint in this court December 23, 2005, alleging violations of both state and federal law. Counts III and V allege violations of 42 U.S.C. § 1983. While alleged violations of the federal statute are cognizable in this court pursuant to 28 U.S.C. § 1343, the remaining counts are based solely on state law. Since the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over the other claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, it is hereby **ORDERED** that Counts I, II, IV, VI, VII, VIII, IX and X are **DISMISSED**.

s/John Corbett O'Meara

John Corbett O'Meara

United States District Judge

Dated: January 30, 2006